

Guy W. Rogers
Jon A. Wilson
BROWN LAW FIRM, P.C.
315 North 24th Street
P.O. Drawer 849
Billings, MT 59103-0849
Tel. (406) 248-2611
Fax (406) 248-3128
*Attorneys for Defendant Farmers Alliance
Mutual Insurance Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

ROBERT NEWMAN, individually, as Personal Representative on behalf of THE ESTATE OF JACKIE ANN NEWMAN, and on behalf of STEPHANIE NEWMAN and MANDY NEWMAN, Plaintiffs, vs. FARMERS ALLIANCE MUTUAL INSURANCE COMPANY, Defendant. Cause No.: DEFENDANT FARMERS ALLIANCE MUTUAL INSURANCE COMPANY'S NOTICE OF REMOVAL TO U.S. DISTRICT COURT

TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION

COMES NOW Defendant Farmers Alliance Mutual Insurance Company (hereinafter "Farmers Alliance") and hereby gives notice to the above named Court for removal of this cause from the Montana Fourteenth Judicial District Court, Musselshell County, Cause No. DV-17-11, to the above named United States

District Court, Billings Division, pursuant to 28 U.S.C. § 1446, and for its grounds for removal alleges:

1. That the action is a civil action filed by Plaintiffs seeking monetary damages that was commenced in the Montana Fourteenth Judicial District Court, Musselshell County. By letter dated March 21, 2017, a copy of which is attached as Exhibit 1, the Commissioner of Securities and Insurance acknowledged service of process of the action, and forwarded to Farmers Alliance the documentation attached as Exhibit 2, including a Complaint and Demand for Jury Trial and a Summons. Farmers Alliance first learned of the action upon receipt of the letter dated March 21, 2017, from the Commissioner of Securities and Insurance.
2. That upon information and belief, Plaintiff Robert Newman currently resides in Musselshell County, Montana, and is therefore a citizen of Montana.
3. That at all relevant times, Defendant Farmers Alliance was and is an insurance company duly organized and existing under the laws of the State of Kansas with its principal place of business in McPherson, Kansas. As such, Farmers Alliance is a citizen of Kansas.
4. That the matter in controversy, exclusive of interest and costs, exceeds \$75,000.00, and complete diversity exists between Plaintiffs, whose representative is a citizen of Montana, and Defendant, which is a citizen of Kansas.

5. That the above Court has jurisdiction of this case under and by virtue of the provisions of 28 U.S.C. § 1332.

6. That Farmers Alliance will concurrently give written notice of this Notice of Removal to counsel for Plaintiff and the Montana Fourteenth Judicial District Court, Musselshell County pursuant to Mont. R. Civ. P. 77(e), by which act the above entitled cause is removed from such state district court to the above captioned United States District Court. A copy of this written notice, without attachments, is attached as Exhibit 3.

DATED this 17th day of April, 2017.

By: /s/ Jon A. Wilson
Guy W. Rogers / Jon A. Wilson
BROWN LAW FIRM, P.C.
*Attorneys for Defendant Farmers
Alliance Mutual Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that, on April 17, 2017, a copy of this notice of removal was served on the following person(s):

1. U.S. District Court, Billings Division
2. Montana Fourteenth Judicial District Court, Musselshell County Clerk of District Court
3. Joseph P. Cook
RAGAIN & COOK, PC
3936 Avenue B, Suite A-2
Billings, MT 59102

by the following means:

<u>1, 3</u>	CM/ECF	<input type="checkbox"/> Fax
<input type="checkbox"/>	Hand Delivery	<input type="checkbox"/> E-Mail
<u>2</u>	U.S. Mail	<input type="checkbox"/> Overnight Delivery Services

By: /s/ Jon A. Wilson
Guy W. Rogers / Jon A. Wilson
BROWN LAW FIRM, P.C.
*Attorneys for Defendant Farmers
Alliance Mutual Insurance Company*